

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
) Case No. 1:12-CR-15-003
)
) Collier/Lee
MICHAEL DALE, SR.)

ORDER

On January 11, 2013, United States Magistrate Judge Susan K. Lee filed a report and recommendation (“R&R”) in this case, pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b) (Court File No. 520) recommending the Court find Defendant Michael Dale, Sr. (“Defendant”) competent to understand the nature and consequences of the proceedings against him, able to assist in his defense, and competent to stand trial. The magistrate judge based this recommendation on a forensic report concluding Defendant is not currently suffering from a mental disease or defect rendering him mentally incompetent. Defendant waived a competency hearing (Court File No. 515).¹ Neither party has objected to the R&R within the given fourteen days.

Therefore, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Lee’s R&R (Court File No. 520), pursuant to 28 U.S.C. § 636(b)(1), and **DETERMINES** Defendant is competent to stand trial.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE

¹ The notice of waiver of competency hearing refers to “Mr. Dixon” rather than “Mr. Dale” in one sentence. As the magistrate judge concluded, the Court agrees this was a simple mistake and will assume “Mr. Dixon” was meant to refer to Defendant.